




SO ORDERED.

SIGNED this 5 day of August, 2015.



John T. Larley, III
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA**

IN RE:

CASE NO. 14-41182

ANNA MARIA ALLEN

CHAPTER 13

ORDER ON MOTION TO DISMISS CHAPTER 13 CASE

Douglass Sloan, a creditor in the above-styled Chapter 13 case moved for dismissal of the above-styled Chapter 13 case pursuant to 11 U.S.C. § 1307(c) and said motion came on regularly to be heard July 10, 2015. The Court finds that Douglass Sloan is the Plaintiff in a Civil Action currently pending in the Superior Court of the District of Columbia, Civil Action No. 2013 CA 005339 R(RP), in which the Debtor is a named defendant together with certain other parties who are not Debtors in this Chapter 13 Case. The Court further finds that but for the filing of the within Chapter 13 case, Douglass Sloan would be permitted to pursue his claims against the Debtor and the other Defendants in that Civil Action. It further appears that Douglass Sloan is one of only two (2) creditors and the major creditor in this Chapter 13 case. Upon consideration of the motion, the schedules, statement of affairs and the record in this case, it appears that the entry of this order is appropriate. It is, therefore,

ORDERED, that the creditor's motion is conditionally denied and the case shall not be dismissed at this time. It is,

FURTHER ORDERED, that the automatic stay imposed by the filing of this Chapter 13 case is terminated to the extent necessary so as to allow Douglass Sloan, the moving creditor and the Plaintiff in the above referenced Civil Action, to fully pursue the prosecution of the referenced civil action pending in the District of Columbia against all defendants, including but not limited to exercising any and all rights he may have to conduct discovery, file motions, go to trial and seek judgment in accordance with all applicable non-bankruptcy law. It is,

FURTHER ORDERED, that the Debtor shall be subject to all rules and responsibilities of a defendant in a District of Columbia Superior Court Civil Action and shall be entitled to the protection of any stay as a result of this Chapter 13 case except in accordance with this order. It is,

FURTHER ORDERED, that in the event judgment in favor of Douglass Sloan is rendered in the referenced District of Columbia case, that Douglass Sloan shall not be prohibited in any way to exercise his rights of recovery and execution on such judgment against any Defendants who are not Debtors in this Chapter 13 case but as to the Debtor, Anna Marie Allen, any such judgment shall serve only as a determination and liquidation of the claim of Douglass Sloan against the Debtor that will be subject to further administration in this Court and Douglass Sloan shall not be authorized to execute and recover on any judgment against the Debtor only without further order of this Court. It is,

Further Ordered, that nothing in this order shall be deemed a prohibition against filing any subsequent motion to dismiss.

END OF TEXT

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